

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

<p><i>In re</i></p> <p>FTX TRADING LTD., <i>et al.</i>,<sup>1</sup></p> <p>Debtors.</p>	<p>Chapter 11</p> <p>Case No. 22-11068 (JTD)</p> <p>(Jointly Administered)</p> <p>Hearing Date: May 23, 2024, at 10:00 a.m. (ET)</p> <p>Obj. Deadline: May 15, 2024, at 4:00 p.m. (ET)</p> <p>Ref. Nos. 8048, 9547, 9883, 13627, 14817, 15269</p>
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**CERTIFICATION OF COUNSEL REGARDING REVISED PROPOSED  
ORDER GRANTING EXAMINER'S MOTION TO AMEND ORDER (I)(A)  
ESTABLISHING THE SCOPE, COST, DEGREE, AND DURATION OF THE  
EXAMINATION AND (B) GRANTING RELATED RELIEF; AND (II)  
PERMITTING THE FILING OF CERTAIN INFORMATION REGARDING  
POTENTIAL PARTIES IN INTEREST UNDER SEAL**

The undersigned counsel to Robert J. Cleary, as the examiner (“Examiner”) appointed in the above-captioned bankruptcy cases (the “Chapter 11 Cases”) of FTX Trading Ltd. and certain of its affiliates (collectively, the “Debtors”), hereby certifies as follows:

1. On May 1, 2024, the Examiner filed his *Motion to Amend Order (I) (A) Establishing the Scope, Cost, Degree, and Duration of the Examination and (B) Granting Related Relief; and (II) Permitting the Filing of Certain Information Regarding Potential Parties in Interest Under Seal* [D.I. 13627] (the “Motion”).<sup>2</sup> The Motion seeks, among other things, entry of an order

<sup>1</sup> The last four digits of FTX Trading Ltd.'s and Alameda Research LLC's tax identification numbers are 3288 and 4063, respectively. Due to the large number of debtor entities in these Chapter 11 Cases, a complete list of the Debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the website of the Debtors' claims and noticing agent at <https://cases.ra.kroll.com/FTX>. The principal place of business of Debtor Emergent Fidelity Technologies Ltd is Unit 3B, Bryson's Commercial Complex, Friars Hill Road, St. John's, Antigua and Barbuda.

<sup>2</sup> Capitalized terms used but not defined herein have the meanings ascribed to them in the Motion.

amending the Examination Scope Order to create a several-step process for the publication of the Report in order to address any claims of privilege that may be asserted by the Debtors or the Committee.

2. On May 14, 2024, Media Intervenors Bloomberg L.P., Dow Jones & Company, Inc., The New York Times Company, and The Financial Times Ltd (together “Media Intervenors”), filed their *Objections to the Examiner’s Motion to Amend Order (I) (A) Establishing the Scope, Cost, Degree, and Duration of the Examination and (B) Granting Related Relief; and (II) Permitting the Filing of Certain Information Regarding Potential Parties in Interest Under Seal* [D.I. 14817] (the “Objection”).

3. On May 20, 2024, the Examiner filed a *Reply in Support of Motion to Amend Order (I) (A) Establishing the Scope, Cost, Degree, and Duration of the Examination and (B) Granting Related Relief; and (II) Permitting the Filing of Certain Information Regarding Potential Parties in Interest Under Seal* [DI 15269].

4. The Objection is the only filed objection with respect to any of the relief requested by the Motion.

5. Counsel to the Debtors and the Committee have all confirmed they will not be asserting any claim of privilege in connection with the filing of the Report and that the Report may be filed on the public docket without redactions.

6. Counsel to the Examiner and counsel to Media Intervenors have conferred and agreed to resolve the Objection by revising the proposed order granting the Motion to account for the prompt filing of the Report publicly on the docket without redaction.

7. A clean copy of the Revised Proposed Order is attached hereto as **Exhibit A**. A redlined copy of the Revised Proposed Order compared against the original form of proposed order filed with the Motion is attached hereto as **Exhibit B**.

8. The form of Revised Proposed Order has been shared with and approved by counsel for Media Intervenors, counsel for the Debtors, and counsel for the Committee. Counsel for the U.S. Trustee has reviewed the Revised Proposed Order and confirmed the U.S. Trustee has no comments. There are no current unresolved objections to entry of the Revised Proposed Order.

9. The Examiner respectfully requests entry of the Revised Proposed Order at the Court's earliest convenience. In accordance with the Court's electronic order processing procedures, a clean copy of the Revised Proposed Order will be uploaded to CM/ECF in connection herewith.

Dated: May 23, 2024

**ASHBY & GEDDES, P.A.**

/s/ Michael D. DeBaecke

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*Counsel to Robert J. Cleary in his capacity as Examiner  
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